



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12VAC 5-230
Regulation title	State Medical Facilities Plan
Action title	Technical amendment for sections 540, 550, and 560
Final agency action date	January 26, 2009
Document preparation date	January 23, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The formula contained in sections 540, 550 and 560 of the recently finalized State Medical Facilities Plan (SMFP) distorts the results of the inpatient beds needed in a planning district (PD), on a magnitude of 1,000 times. To illustrate the error, VDH used a PD with a projected population of 160,000 and 120 inpatient beds. Using the formula as promulgated, the PD is calculated to need 126,449 beds, i.e., one bed for every 1.2 residents or 126,329 more beds than the 120 beds they currently have. However, using the corrected formula, a more realistic projection is achieved of one inpatient bed for every 1,270 residents or an additional 6 beds over the current 120 bed allocation. Therefore, this technical exemption is filed to correct the formula by striking the 'x 1,000' contained in the formula in each of the sections being amended by this action.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On January 26, 2009, the State Health Commissioner, vested with the authority of the State Board of Health, adopted this regulation to amend 12VAC5-230-540, 550 and 560.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This action will have no impact on the institution of the family or family stability.